

Sixth Appellate District

San Jose, California

MONDAY, MARCH 3, 2003

H024837 In re JESSICA H.; DFCS v. MERRIANNE H.

The June 12, 2002 order terminating parental rights is reversed. Upon remand, the juvenile court shall order that proper notice of the pending proceedings be given to the Secretary of the Interior through the Bureau of Indian Affairs as required by the ICWA and California Rules of Court, rule 1439. The court shall not proceed with a hearing regarding termination of parental rights until at least 10 days after those entitled to notice under the Act have received proper notice. Thereafter, if an Indian tribe or the Bureau of Indian Affairs has not indicated that the child is an Indian child subject to the ICWA, the juvenile court shall reinstate the order terminating parental rights. If it is determined that the minor is an Indian child within the meaning of the Act, the court shall proceed in conformity with the ICWA. (not published)
(Elia, J.; We concur: Rushing, P.J., Premo, J.)
Filed March 3, 2003

TUESDAY, MARCH 4, 2003

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Rushing, P.J.; Bamattre-Manoukian, J.; Mihara, J.; and R. W. Norvelle, Deputy Clerk.

H024495 PEOPLE v. WHALEN

Cause called and argued by Emery J. Allen appearing for Appellant and by Ann Wathen, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H024495 PEOPLE v. SUPERIOR COURT OF SANTA CLARA COUNTY (BIAGINI)

Cause called and argued by Angela L. Bernhard, Deputy District Attorney, appearing for Appellant and by Dennis P. Riordan appearing for Real Party in Interest. Cause ordered submitted.

Rushing, P.J. steps down and Premo, Acting P.J. takes the bench

H024161 PEOPLE v. RIVERS

Cause called and argued by Daniel H. Fehderau, Deputy District Attorney, appearing for Appellant and by Andy Gutierrez, Deputy Public Defender, appearing for Respondent. Cause ordered submitted.

Sixth Appellate District

San Jose, California

Tuesday, March 4, 2003 (continued)

Bamattre-Manoukian, J. steps down and Wunderlich, J. takes the bench

H022544 BLACK v. WAL-MART STORES, INC., et al.

Cause called and argued by Inez Black, appellant appearing in pro per, and by Gregory L. Spallas appearing for Respondents. Cause ordered submitted.

Premo, Acting P.J. steps down and Bamattre-Manoukian, Acting P.J. takes the bench.

H024666 Estate of MIRIAN TWYMAN LISTER, Deceased

Cause called and argued by Leroy Rice appearing for Appellant and by Dennis B. Lippitt appearing for Respondents. Cause ordered submitted. Court Adjourns

H022726 PEOPLE v. GUZMAN

By the Court*:

Respondent's petition for rehearing is denied.

Filed: March 4, 2003

*Before Rushing, P.J., Bamattre-Manoukian, J. and Mihara, J.

WEDNESDAY, MARCH 5, 2003

H023634 PEOPLE v. BELLUCCI

The trial court is ordered to amend the abstract of judgment to reflect 180 actual custody days in county jail and 90 days of conduct credit pursuant to Penal Code section 4019. As so modified, the judgment is affirmed. (not published)

(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., Wunderlich, J.)

Filed March 5, 2003

H024044 PEOPLE v. ANGELES

The judgment is affirmed. (not published)

(Mihara, J.; We concur: Premo, Acting P.J., Bamattre-Manoukian, J.)

Filed March 5, 2003

Sixth Appellate District

San Jose, California

THURSDAY, MARCH 6, 2003

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Elia, Acting P.J.; Bamattre-Manoukian, J.; Mihara, J.; and S. Nasson, Deputy Clerk.

H023044 REXFORD TITLE, INC. v. NOB HILL GENERAL STORE, INC.

Cause called and argued by Tracy Hunckler appearing for Appellant and by Dennis Law appearing for Respondent. Cause ordered submitted.

H023956 COUNTY OF SANTA CRUZ, et al. v. CITY OF SAN JOSE, et al.; COYOTE VALLEY RESEARCH PARK, et al.

Cause called and argued by Dwight Herr, Deputy County Counsel, Joseph Brecher and Stephen Volker appearing for Appellants, and by Stephen Kostka and Rollin Chippey appearing for Respondents. Cause argued and submission deferred upon the filing of letter briefs. Court adjourns.

H022280 PEOPLE v. LYTLE

The judgment is modified by striking the section 12022.5 finding. In all other respects, the judgment is affirmed. (not published)

(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., Wunderlich, J.)

Filed March 6, 2003

H023017 FERRIS v. CITY OF SAN JOSE

By the Court*:

Appellant's petition for rehearing is denied.

Filed: March 6, 2003

*Before Mihara, J., Elia, Acting P.J. and Bamattre-Manoukian, J.

H024666 LISTER v. GOULD, et al.

The order of May 15, 2002, is affirmed. Respondents' motion for sanctions is denied. (not published)

(Bamattre-Manoukian, Acting P.J.; We concur: Wunderlich, J., Mihara, J.)

Filed March 6, 2003

Sixth Appellate District

San Jose, California

Thursday, March 6, 2003 (continued)

H023403 PEOPLE v. LaMOTHE

Appellant's judgment of conviction on count eight is reversed. In all other respects the judgment is affirmed. (not published)

(Elia, J.; We concur: Rushing, P.J., Premo, J.)

Filed March 6, 2003

FRIDAY, MARCH 7, 2003

H024779 PEOPLE v. CARRILLO

The \$200 restitution fines imposed by the trial court at defendant's probation revocation and sentencing hearing are ordered stricken. The abstract of judgment is ordered modified to reflect that defendant is entitled to 34 days of "good time/work time" credit under section 4019, bringing his total presentence credit to 103 days. (not published)

(Bamattre-Manoukian, J.; We concur: Premo, Acting P.J., Wunderlich, J.)

Filed March 7, 2003

H022678 PEOPLE v. CORDOVA

By the Court*:

Appellant's petition for rehearing is denied.

Filed: March 7, 2003

*Before Rushing, P.J., Premo, J. and Elia, J.

H024176 GRANT v. HEIR

By the Court*:

Appellant's petition for rehearing is denied.

Filed: March 7, 2003

*Before Rushing, P.J., Premo, J. and Elia, J.

H021907 PEOPLE v. VANDERSTEEN

The judgment is affirmed. (not published)

(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., Wunderlich, J.)

Filed March 7, 2003

Sixth Appellate District

San Jose, California

Friday, March 7, 2003(continued)

H023630 PEOPLE v. MCCALL

The abstract of judgment is ordered corrected as follows. The section 667.5(b) enhancement now listed as having been "found to be true TIED to SPECIFIC COUNTS" and linked in the abstract to Count 3, must be listed instead in the section of the abstract of judgment for "ENHANCEMENTS charged and found to be true FOR PRIOR CONVICTION OR PRISON TERMS (mainly in the PC 667 series)." The trial court is ordered to prepare a certified copy of the amended abstract of judgment and to forward a copy of the amended abstract of judgment to the Department of Corrections. The judgment is affirmed. (not published)

(Mihara, J.; We concur: Premo, Acting P.J., Bamattre-Manoukian, J.)

Filed March 7, 2003